

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, and 5-27 are currently pending in the present application, Claims 19 and 27 having been amended by way of the present amendment. No new matter has been added.<sup>1</sup>

In the outstanding Office Action, Claims 19-27 were rejected under 35 U.S.C. § 112, second paragraph; Claims 19-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi, et al. (U.S. Pat. No. 6,331,969, hereinafter “Kobayashi”) in view of Miyamori, et al. (U.S. Pat. No. 6,025,946, hereinafter “Miyamori”); Claim 25 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi and Miyamori in view of Richter, et al. (U.S. Pat. Pub. No. 2006/0072396, hereinafter “Richter”); Claim 26 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi and Miyamori in view of Kobayashi (U.S. Pat. No. 6,219,322, hereinafter “Kobayashi ‘322”); Claim 27 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kobayashi and Miyamori in view of Kobayashi (Japanese Pat. No. 11-191218, hereinafter “Kobayashi ‘218”); and Claims 1, 3, and 5-18 were indicated as allowed.

As an initial matter, Applicant acknowledges with appreciation the indication of allowable subject matter in Claims 1, 3, and 5-18.

Turning to the rejections in the outstanding Office Action, Applicant respectfully submits the rejection of Claims 19-27 under 35 U.S.C. § 112, second paragraph, is moot in view of the amendments to Claims 19 and 27. Accordingly, Applicant respectfully requests that the rejection of Claims 19-27 under 35 U.S.C. § 112 be withdrawn.

Regarding the rejection of Claims 19-24 under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of Miyamori, Applicant traverses the rejection.

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<sup>1</sup> Support for the amendments to Claims 19 and 27 is found in Applicant’s Figs. 6 and 13 and in the corresponding descriptions thereof in Applicant’s specification, including pages 18-21 and page 47.

By way of review, Claim 19 recites, *inter alia*, an optical disc, comprising: pits and lands, or marks and spaces having lengths which are represented by integral multiples of a predetermined basic length, successively formed to record main information on said optical disc, said pits have lengths equal to or greater than a period of  $7T$ , where  $T$  represents a period of a data sequence of said main information, and said pits have lengths equal to or greater than a period of  $7T$ , where  $T$  represents a period of a data sequence of said main information, and said pits have widths that are locally reduced at a position that is a predetermined distance from an edge of the pit based on information recorded in a disc ID code, said information indicating a change in said pit width.

For example, as noted on pages 20-21 of Applicant's specification, a conventional disc shown in Applicant's Fig. 6(A) has pits and lands which are repeatedly formed and have lengths represented by integral multiples of the period  $T$  (basic period) of one channel clock pulse  $CK$  depending on audio data that is recorded.

In a departure from the conventional disc, the pits according to one embodiment of the claimed invention include pits whose lengths are equal to or greater than the period of  $7T$  and which have a pit width locally reduced depending on the disc ID code  $SC1$  at a position that is spaced a predetermined distance  $L$  from the edge of the pit. This is clearly illustrated by an arrow (a) in Applicant's Fig. 6(B).

Turning to the applied references, Applicant submits Kobayashi and Miyamori fail to disclose or suggest "pits and lands, or marks and spaces having lengths which are represented by integral multiples of a predetermined basic length, successively formed to record main information on said optical disc, said pits have lengths equal to or greater than a period of  $7T$ , where  $T$  represents a period of a data sequence of said main information, and said pits have lengths equal to or greater than a period of  $7T$ , where  $T$  represents a period of a data sequence of said main information, and said pits have widths that are locally reduced at a position that

is a predetermined distance from an edge of the pit based on information recorded in a disc ID code, said information indicating a change in said pit width," as recited in Claim 19.

Accordingly, Kobayashi and Miyamori do not disclose or suggest all of the elements in independent Claim 19. Thus, independent Claim 19 (and claims dependent therefrom) patentably defines over Kobayashi and Miyamori.

With regard to the rejection of Claim 25 as unpatentable over Kobayashi and Miyamori in view of Richter, it is noted that Claim 25 is dependent from Claim 19, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Richter does not cure any of the above-noted deficiencies of Kobayashi and Miyamori. Accordingly, it is respectfully submitted that Claim 25 is patentable over Kobayashi, Miyamori and Richter.

With regard to the rejection of Claim 26 as unpatentable over Kobayashi and Miyamori in view of Kobayashi '322, it is noted that Claim 26 is dependent from Claim 19, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Kobayashi '322 does not cure any of the above-noted deficiencies of Kobayashi and Miyamori. Accordingly, it is respectfully submitted that Claim 26 is patentable over Kobayashi, Miyamori and Kobayashi '322.

Regarding the rejection of independent Claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi and Miyamori in view of Kobayashi '218, Applicant traverses the rejection.

By way of review, Claim 27 recites, *inter alia*, an optical disc that is exposed to a laser beam modulated by a signal level of an Eight to Fourteen Modulation (EFM) signal, comprising:

pits and lands, or marks and spaces having lengths which are represented by integral multiples of a predetermined basic length, successively formed to record main information on said optical disc, the pits having

scanning start edges corresponding to the positive-going edges of said EFM signal;

encrypted audio data recorded on said optical disc, the recording of which depends on the lengths of the pits and the intervals between the pits; and

key information for decrypting the encrypted audio data that is recorded on said optical disc as radially displaced pits.

As noted on page 48 of Applicant's specification, on conventional compact discs, pits are successively formed centrally on tracks depending on the EFM signal S2, recording audio data depending on the lengths of the pits and the intervals between the pits (see Applicant's Fig. 13(G)). However, in a departure from the conventional disc, on an optical disc according to one embodiment of the invention, encrypted audio data is recorded depending on the lengths of the pits and the intervals between the pits, and key information KY for decrypting the encrypted audio data is recorded as radially displaced pits (see Applicant's Fig. 13(H)).

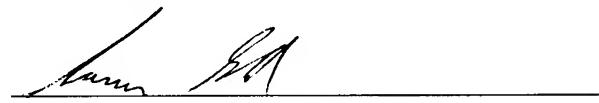
Turning to the applied references, Applicant submits Kobayashi, Miyamori and Kobayashi '218 fail to disclose or suggest "encrypted audio data recorded on said optical disc, the recording of which depends on the lengths of the pits and the intervals between the pits," and "key information for decrypting the encrypted audio data that is recorded on said optical disc as radially displaced pits," as recited in Claim 27.

Accordingly, Kobayashi, Miyamori, and Kobayashi '218 do not disclose or suggest all of the elements in independent Claim 27. Thus, independent Claim 27 patentably defines over Kobayashi, Miyamori, and Kobayashi '218.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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